

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 21, 2009

DIVISION ONE

B207747 People (Not for Publication)
v.
J.M.

The order is affirmed.

Rothschild, J.

We concur: Mallano, P.J.
 Ferns, J. (Assigned)

DIVISION TWO

B200392 Shafron & Kammer, LLP (Not for Publication)
v.
Krane & Smith

The judgment is affirmed. Each party is to bear its own costs on appeal.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

DIVISION TWO (continued)

B213356 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 L.D.

The judgment (order terminating parental rights) is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B209408 Gergov (Not for Publication)
 v.
 Valverde

The trial court's order is affirmed. Each side to bear its own costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

B206879 Essex Insurance Company (Not for Publication)
 v.
 Professional Building Contractors, Inc.

The order granting a conditional new trial is affirmed and the matter is remanded for PBC to determine whether it will accept the remittitur. Parties to bear their own costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

DIVISION TWO (continued)

B195226 Taylor (Not for Publication)
v.
Taylor

The orders directing Lawrence to pay taxes, permitting Janice to file the Stipulated Judgment and imposing sanctions for Lawrence's failure to pay taxes are affirmed. The order finding that Lawrence did not breach his fiduciary duty is reversed with directions to enter a new order in favor of Janice. The matter is remanded for the trial court to determine the amount of sanctions payable by Lawrence pursuant to section 2107, subdivision (c). Janice is awarded her costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

B205740 People (Not for Publication)
v.
Moorer

The matter shall be remanded for resentencing as to count 2, to permit the trial court to exercise its discretion in choosing among the high, mid and low terms. The abstract of judgment shall be corrected to: strike the parole revocation fine; reflect that the 25 year to life firearm enhancement in count 1 must be served consecutive to the LWOP sentence, rather than stayed; and reflect that appellant shall pay two \$20 security fees. The trial court is ordered to send a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

DIVISION TWO (continued)

B206350 People (Not for Publication)
v.
England

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION THREE

B212460 Los Angeles County, D.C.F.S. (Not for Publication)
v.
S. J.

The order from which Mother has appealed is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B200927 People (Not for Publication)
v.
Derrick D. Brown

The trial court is directed to modify the abstract of judgment to reflect the renumbered counts as amended and that the 15-year-to-life term was imposed pursuant to section 186.22, subdivision (b)(1)(B), and to impose a total of four \$20 fees (for a total of \$80) on defendant, pursuant to section 1465.8. The clerk of the superior court is ordered to forward the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (continued)

B200492 People (Not for Publication)

v.

Bill Wayne Blair, Jr.,

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B297691 County of Los Angeles (Certified for Publication)

v.

Indiana Lumbermens Mutual Insurance Company

The order is reversed with directions to grant the motion to vacate the summary judgment and to vacate the forfeiture and exonerate the bond. The Surety shall recover its costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B207860 Wong's Restaurant Equipment (Not for Publication)

v.

Ramon Maldonado

The judgment is affirmed. The parties shall bear their respective costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

July 21, 2009 (Continued)

DIVISION THREE (continued)

B203650 People (Not for Publication)
v.
Perrie Thompson

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B203650 People (Not for Publication)
v.
Perrie Thomspen

The judgement is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B207781 Galina Gromova (Not for Publication)
v.
Leonid Gromov

The order is affirmed. Costs on appeal are awarded to respondent Leonid Gromov.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (continued)

B204210 Abbott Laboratories et al., (Certified for Publication)
 v.
 Franchise Tax Board

The judgment is affirmed. Costs on appeal are awarded to defendant
Franchise Tax Board.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

B208518 Jerry Jamgotchian, et al. (Not for Publication)
 v.
 City of Manhattan Beach, et al.

The judgment is affirmed. Costs on appeal are awarded to defendants Mike
Davis, individually and doing business as Mike Davis Custom Homes, City
of Manhattan Beach, Robert Wadden, Richard Thompson, and Daniel
Moreno.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION FOUR

B209042 People (Not for Publication)
 v.
 Hennessey

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
 Suzukawa, J.

DIVISION FOUR (continued)

B214734 Mercy L. (Not for Publication)

v.

Superior Court, Los Angeles County
(DCFS, r.p.i.)

The petition for extraordinary writ is granted. Let a peremptory writ of mandate issue directing the juvenile court to vacate its March 13, 2009 order terminating family reunification services and setting a permanent planning hearing under section 366.26, and to enter a new order returning Grace to mother's physical custody in accordance with section 366.22.

Willhite, Acting P.J.

We concur: Manella, J.
 Suzukawa, J.

B206395 People (Not for Publication)

v.

Payne

The judgment is reversed and remanded for a new hearing on appellant's challenge to the prosecutor's exercise of her peremptory challenge to Juror No. 20. If the trial court finds no prima facie case was made at the first step of the Wheeler analysis, or in the third step of the Wheeler analysis determines the challenge was exercised for a race-neutral reason, the trial court shall then determine the proper amount of restitution fine under section 1202.4 and reinstate the judgment. If, on the other hand, the trial court concludes that the prosecutor exercised the challenge to Juror No. 20 on the basis of that juror's race, the judgment shall remain reversed and a new trial is to be ordered.

Epstein, P.J.

We concur: Willhite, J.
 Suzukawa, J.

DIVISION FOUR (continued)

B214694 F.G. (Not for Publication)

v.

Superior Court, Los Angeles County
(DCFS, r.p.i.)

The petition is denied.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

B209847 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Grover S.

The orders of the juvenile court denying Father's section 38 petition and granting the Department's section 388 petition are affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

B210137 Los Angeles County, D.C.F.S. (Not for Publication)

v.

N.A.

The jurisdiction and disposition orders are affirmed.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

DIVISION FIVE

B213080 Los Angeles County, D.C.F.S. (Not for Publication)
v.
S.K.
In re J.T., a Person Coming Under the Juvenile Court Law

The December 19, 2008 jurisdiction and dispositional order is affirmed.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

B202120 Arnulfo Vasquez
v.
Juan Interiano, et al

Filed order granting petition for rehearing. Parties to file letter briefs due July 28 addressing any ground set forth in the court's opinion and in respondent's rehearing petition.

DIVISION SIX

B209160 Scott (Not for Publication)
v.
Rayhrer

The judgment is affirmed. Respondents shall recover costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

July 21, 2009 (Continued)

DIVISION SIX (continued)

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

[illegible]

The judgment (order denying motion to compel arbitration) is affirmed.
Seller to pay costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (continued)

B209092 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SEVEN

B210094 People (Not for Publication)
v.
Dantignac

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Jackson, J.

B207469 Corrales, et al., (Not for Publication)
v.
County of Los Angeles

The judgment of the superior court is affirmed. Respondent is to recover its costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Jackson, J.

DIVISION SEVEN (continued)

B211567 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Rena H.,
Cynthia S.

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
 Jackson, J.

B207287 People (Not for Publication)

v.

Crawford

The judgment of the superior court is affirmed.

Zelon, J.

We concur: Perluss, P.J.
 Jackson, J.

B213315 Los Angeles County, D.C.F.S. (Not for Publication)

v.

J.M.

The order is affirmed.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.

DIVISION SEVEN (continued)

[illegible]

The order is affirmed. Plaintiff is awarded costs on appeal.

Jackson, J.

We concur: Woods, Acting P.J.
Zelon, J.

B209077 People (Not for Publication)
v.
Daily

The judgment is amended by striking: (1) the \$50 lab fee (Health & Saf. Code, section 11372.5, subd. (a)), \$50 penalty (Pen. Code, section 1464, subd. (a)(1)), \$35 assessment (Gov. Code, section 76000); and (2) the probation condition ordering defendant not to "own, use, threaten to use, possess, buy or sell any deadly weapon or dangerous weapons, including, but not limited to, firearms or other concealable weapons." As amended, the judgment is affirmed. The trial court is to insure the abstract of judgment and minute order are corrected to comport with the modifications we have ordered. (See *People v. Acosta* (2002) 29 Cal.4th 105, 109, fn. 2.)

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

July 21, 2009 (Continued)

DIVISION SEVEN (continued)

B213823 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 C.S.

The order is affirmed.

Jackson, J.

We concur: Perluss, P.J.
 Zelon, J.

B209212 Martin Robles Lopez, et al. (Not for Publication)
 v.
 Agnes Harutunian Trust, et al.

The judgment is affirmed to the extent it upholds the validity of the 1959 Covenant and Agreement, but reversed to the extent it is based on the finding of a prescriptive easement. The matter is remanded to the trial court with directions to enter a new and different judgment consistent with this determination. The parties are to bear their own costs on appeal.

Woods, Acting P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., Bendix, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B207856 People v. Gonzalez & Ortiz
B210965 Hanbert v. Dittberner
B209700 People v. Campa

DIVISION EIGHT (continued)

Each of the following (continued):

B204541 Hewitt & Hewitt
B210535 People v. L.M.
B207958 People v. Brown
B208132 People v. Daniels

Argument waived, cause submitted.

B206192 People
 v.
 Eusebio Martinez

Merits:
Argued by Judith Kahn for appellant and by Daniel Chang for respondent.
Cause submitted.

B207967 CountryWide Home Loans, Inc. et al.,
 v.
 MRA Funding Corporation

Merits:
Argued by James H. Treadwell for appellant and appearance only by
Steven J. Cote for respondent. Cause submitted.

B207290 People
 v.
 Alvin L. Woods

Merits:
Argued by Anthony D. Zinnanti for appellant and by Marc Kohm, Deputy
Attorney, on behalf of respondent waived argument. Cause submitted.

DIVISION EIGHT (continued)

B204986 Philip Kent Cohen

v.

DirecTV, Inc.,

Merits:

Argued by Thomas M. Ferlauto for appellant and by Melissa D. Ingalls for respondent. Cause submitted.

Flier, J. left the bench.

B208270 8800 Melrose LLC

v.

John Varvatos of Calif., Inc.,

Merits:

Argued by Gary D. Fidler for appellant and by Gary M. Gole for respondent. Cause submitted.

Flier, J. returned to the bench.

Bendix, J. (Assigned), leaves the bench.

B207139 People

v.

Chauncaye J. Faulks

Merits:

Argued by Robert J. Booher for appellant and by David Glassman, Deputy Attorney General for respondent. Cause submitted.

B214252 Los Angeles County, D.C.F.S.

v.

C.H.,

Merits:

Argued by John Dodd for appellant and by William Thetford, Deputy County Counsel for respondent. Cause submitted.

DIVISION EIGHT (continued)

Court recessed.

Court reconvened at 1:00 p.m.

Present: Rubin, Acting P.J., Flier, J., Bigelow, J., Bendix, J. (Assigned) and Emma J. Amos, Deputy Clerk.

B204677 People
 v.
 Gregory D. Miner

Merits:
Argued by Matthew D. Alger for appellant and by Catherine Okawa Kohm, Deputy Attorney General, for respondent. Cause submitted.

B206656 People
 v.
 Victor Wingo

Merits:
Argued by Joan Wolff for appellant and argument previously waived by respondent. Cause submitted.

B213060 Cal-Western Reconveyance Corp.,
 v.
 Barry W. Reed
 Halimi

Merits:
Argued by Walter L. Gordon, III for appellant and by George M. Halimi for respondent. Cause submitted.

DIVISION EIGHT (continued)

B208632 People
 v.
 Rasjeed J. Hilson

Merits:
Argued by Leslie G. McMurray for appellant and argument previously
waived by respondent. Cause submitted.

B209932 West Washington Properties, LLC
 v.
 California Department of Transportation

Merits:
Argued by George Murphy for appellant and by Matthew George, Deputy
Attorney General, for respondent. Cause submitted.

B208332 The Vones Companies, Inc.,
 v.
 Lyle Park, Jr., Inc.,

Merits:
Argued by James A. Lassart for appellant and by Bruce W. Lorber for
respondent. Cause submitted.

B208041 Tagawa
 v.
 City of Los Angeles Department of Water

Oral argument continued to August 25, 2009, at 1:00 p.m.

Court adjourned.

DIVISION EIGHT (continued)

B211897 Ana Ochoa
 v.
 Lee Arter

Filed order denying petition for rehearing.

B201064 Keller
 v.
 California Highway Patrol

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)